

**REMARKS**

In response to the non-final Official Action of March 30, 2009, no claims have been amended.

**Claim Rejections- 35 U.S.C. 112**

At page 3 of the Office Action, claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. It is asserted that the claims contain new subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. It is asserted that the subject matter of Figure 2 is not originally filed and the claimed limitations "said cover configured to provide said processor in the cover", "said electrical signal generated by said contact sensitive component to at least realize a specific function," were not considered by the Examiner. Applicant respectfully disagrees.

As the Applicant has stated in previous Responses (See Response of March 17, 2008, pages 9-10; Response of July 25, 2008, pages 9-10), the subject matter of Figure 2 is clearly supported by the application as filed. Using the published version of the application as filed (US 2006/0055677) as a reference, specific support for each element of the figure can be found at the following:

- Mobile phone 31, cover 32, and MP3 player/processor 38 are described in paragraph [0031] ("The cover comprises an MP3 player and is connected to a mobile phone.)")
- Micro-controller 34 and decoration 37 are described in paragraph [0027] ("The decoration may also comprise electro-luminance patterns, which support the presentation by illuminating certain parts of the decoration based on signals provided by a micro-controller.)")
- Contact sensitive component + PWB 36, connected to MP3 player/processor 38 is described from paragraphs [0028]-[0031] ("For

forming a separate capacitive sensor 22 for each of the six represented buttons 12, seven printed wires 23 are provided in the CIM sheet 21... A change of capacity in each of the six formed capacitive sensors 22 can be detected unequivocally between a different pair of connection pins 24. The connection pins 24 are further connected to the PWB 25 of the cover, to which the MP3 player of the cover is connected.”)

- Phone engine 33 with a connection 35 to the PWB 36 are described in paragraph [0033] (“In an alternative embodiment, the MP3 player is comprised in the mobile phone, not in the cover itself. In this case, a data transfer indicating a respective change of the capacity has to be enabled via the PWB between the cover and the phone engine.”)

Furthermore, it is stated throughout the application as filed that a processor is connected to the contact sensitive component. For example, claim 7 as originally presented recites “a processor to which said contact sensitive means (22,23) can be connected.” Additionally, a “processing means” connected to the contact sensitive component is described in the Abstract and Paragraphs [0009], [0011], [0017], [0019] and [0020], where a person having ordinary skill in the art would know that in view of the additional disclosure of a processor (the claims as filed form part of the specification), the processing means is a processor. Therefore, the application as filed clearly supports the subject matter of Figure 2.

It is further evident that contrary to the Office’s assertion, the subject matter of claims 1-30 are also supported by the originally filed application. The Office asserts that the originally filed application fails to disclose the feature of independent claims 1, 12 and 30 of “said cover configured to provide said processor in the cover, said processor configured to be provided with said electrical signal generated by said contact sensitive component to at least realize a specific function.” However, support for this feature can be found throughout the application as filed, including: Paragraph [0011] which states, “[i]f in addition connecting means to some processing means are provided in the cover,

the signals generated by the contact sensitive means can be provided to some processing means suited to realize a specific function,” Paragraph [0020], which states “[t]he interactive decoration can be a ‘stand-alone’ system, which interacts exclusively with the processing means located within the cover,” and Claim 7 as originally presented, which is directed to a “[c]over...wherein one or more selected parts (12) of said decoration (11) are associated to one or more functions enabled by a processor to which said contact sensitive means (22,23) can be connected via said connection means (24,25)”. Further, one example of such a processor or such processing means that may be integrated in the cover is an MP3 player, see paragraph [0021]. Also paragraph [0031] in combination with paragraph [0033] emphasizes that the MP3 player (processor) cannot be comprised only in a mobile phone for which the cover is used, but also be integrated in the cover itself (paragraph [0024] indicates that the cover may be an exchangeable cover for a mobile phone and thus for an electronic device). These disclosures in the originally filed application support the feature of the independent claims of a processor in the cover, which is configured to be provided with an electrical signal generated by a contact sensitive component to at least realize a specific function. Therefore, it can be seen that there is support in the originally filed application for claims 1-30.

For the foregoing reasons, because there is support in the application as filed for Figure 2 and claims 1-30, it is respectfully requested that the rejections of claims 1-30 under § 112, first paragraph, be withdrawn.

### **Objection to the Drawings**

At page 2 of the Office Action, Figure 1 is objected to for not showing “the processor” specified in the claims. However, in view of the arguments and support provided by the Applicant as presented above, there is clear support in the application as filed for the processor of the claims and for Figure 2. Therefore, applicant respectfully submits that all of the claimed features are properly shown in the Figures,

and that Figure 1 does not require amendment since Figure 2 shows “the processor” of the claims.

### **Claim Rejections - 35 USC §103**

At section 3, claims 1-7, 10-15, 18-25, and 28-30 are rejected under 35 USC §103(a) as unpatentable over US patent 6,259,045, Imai, further in view of US patent 7,345,592, Rogers.

With respect to claim 1, the Office asserts that Imai teaches a cover for an electronic device comprising a decoration which is visible to a user when the cover is connected to an electronic device; a contact sensitive component arranged such that it generates an electrical signal when a part associated to said contact sensitive component is touched; and a connection component to electrically connect the contact sensitive component to a processing component. The Office also asserts that Imai teaches a cover for an electronic device including light emitting, but that Imai does not expressly teach decoration is adjustable by a processing component. The Office further states that Rogers teaches an electronic cover, including a decoration adjustable by a processing component.<sup>1</sup> Applicant respectfully disagrees.

As set forth in its Abstract and at column 2, line 33 through column 3, line 20, and as shown in Figure 2, Imai is directed to a keybutton-equipped device which has a board 40 with electrodes 41 at a predetermined position[s] on which a predetermined number of sensitive element[s] at a predetermined position[s] is [are] provided; a case 20 in which the board is mounted and a predetermined number of holes formed at a position[s] corresponding to the sensitive element[s] on the board, as well as a keypad 10 (Figures 1A and 1B) which is of a stretchy material (such as rubber and plastic) and is formed with a tubular body to cover and tighten the case. The overall arrangement of the device is shown in Figure 3 of Imai.

---

<sup>1</sup> Claim 1 does not require that the decoration is adjustable by a processing component.

It is therefore clear that Imai only discloses the use of a board 40 having electrodes 41 (Imai, Figures 2-7 and column 2, lines 43-46). Imai does not disclose a processor wherein a cover is configured to provide the processor in the cover, as well as the processor being configured to be provided with electrical signals generated by the contact sensitive component to at least realize a specific function. At best, the board 40 of Imai corresponds to the connection component of the cover as set forth in claim 1.

As a result, it is respectfully submitted that the feature of the present invention setting forth that the cover is configured to provide the processor in the cover, as well as the processor configured to be provided with electrical signals generated by the contact sensitive component so as to at least realize a specific function are not disclosed or suggested by Imai. At best, the teaching of Imai would show to a person of ordinary skill in the art that the electrodes 41 and board 40 might be connected to a processor associated with an electronic device, but completely fails to suggest that the cover is configured so as to provide the processor in the cover and wherein the processor is configured to receive the electrical signals generated by the contact sensitive component to at least realize a specific function.

Furthermore, Rogers is cited by the Office as teaching an electronic cover, including a decoration (LED) which is adjustable by a processing component. Rogers is directed to a hand-held remote control unit which has an LED that can be enabled depending upon the use of the remote control device (such as if it is to be used for operating a video gaming system). In particular, Rogers shows a remote control unit which represents the entire electronic device and not just a cover. There is no indication that the operating circuitry shown in Rogers could form a part of a cover. In Rogers, only housing 11 would be understood to form the cover and at most base panel 12, keypad 13, and faceplate 14 could be seen as additional elements of the cover. None of the other elements is shown or mentioned in Rogers to belong to an entity that could be considered a cover. Furthermore, the passage at column 6, lines 29-55 as

relied upon by the Office does not provide any suggestion that microprocessor 41 of Figure 4 or Figure 6 could be a part of a cover. For all of the foregoing reasons, it is respectfully submitted that Rogers does not make up for the deficiencies in Imai and therefore, it is respectfully submitted that claim 1 is distinguished over Imai in view of Rogers.

Independent electronic device claim 12 and independent cover claim 30 comprise the same distinguishing features as claim 1 and for similar reasons are also believed to be distinguished over Imai in view of Rogers.

Furthermore, dependent claims 2-6, 10, 11, 13-15, 18-25, 28, and 29 are also to be distinguished over Imai in view of Rogers at least in view of their ultimate dependency from an independent claim which is allowable.

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Response. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

Dated: June 30, 2009

WARE, FRESSOLA, VAN DER  
SLUYS & ADOLPHSON LLP  
Building Five, Bradford Green  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955

/Alfred A. Fressola/  
Alfred A. Fressola  
Attorney for Applicants  
Registration No. 27,550